

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 NIC-01 ACDA-05 IO-10 CIAE-00 DODE-00

PM-03 INR-05 L-02 NSAE-00 NSC-05 PA-01 RSC-01 PRS-01

SP-02 SS-15 USIA-06 (ISO) W

----- 127468

R 201713Z DEC 74

FM AMEMBASSY BONN

TO USMISSION USBERLIN

INFO SECSTATE WASHDC 6944

AMEMBASSY LONDON

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 19590

E.O. 11652: GDS

TAGS: PGOV, PINS, WB, GW, US, UK, FR

SUBJECT: TRANSPORT OF PRISONERS FROM WEST BERLIN

REF: A) USBER 2304; B) BONN 19190; C) USBER 2264;

D) BONN 18556

1.SUMMARY. FRENCH REP HAS INTRODUCED TEXT OF REPLY TO SENAT AND SUBSEQUENT TRIPARTITE DISCUSSION HAS RESULTED IN TEXT GIVEN BELOW. FRENCH AND UK REPS HAVE GIVEN AD REF AGREEMENT WHILE US REP STATED AGREEMENT WITH LINE OF TEXT BUT RESERVED ON ACTUAL WORDING WHICH, IT SEEMS TO US, SHOULD BE LEFT OPEN FOR INPUT OF BERLIN MISSIONS WHO ARE IN BEST POSITION TO JUDGE PRECISE LANGUAGE OF COMMUNICATION TO SENAT OF THIS KIND. END SUMMARY

2. BEGIN TEXT:

THE THREE ALLIED MISSIONS IN BERLIN HAVE STUDIED THE COMMUNICATION WHICH THE SENAT TRANSMITTED TO THEM ON 3 DECEMBER. THIS COMMUNICATION EVOKES FROM THEM THE FOLLOWING COMMENTS:

A. THE DIFFICULTIES WHICH AROSE ON 1 DECEMBER TO WHICH THE SENAT ALLUDED HAVE VERY PARTICULAR CAUSES

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WHICH LED THE CIVIL AIRLINES TO REFUSE TO EXPOSE

THEMSELVES TO RISKS WHICH THEY JUSTIFIABLY CONSIDERED TO BE EXCESSIVE. THE ALLIED AUTHORITIES DO NOT CONSIDER THAT THIS INCIDENT MAKES IT NECESSARY OR DESIRABLE TO "DEVELOP JOINTLY AND DEFINE IN ADVANCE A PROCEDURE WHICH THE INTERESTED PARTIES COULD FOLLOW".

- B. IT IS OUT OF THE QUESTION THAT THE ALLIED AUTHORITIES COULD GIVE AN ASSURANCE THAT IN THE FUTURE MEANS OF TRANSPORTATION WOULD BE MADE AVAILABLE "IN EVERY CASE AND WITHOUT ADDITIONAL FORMALITY". AS REGARDS AIRCRAFT OPERATED BY THE AIRLINES OF THE THREE POWERS, THE ALLIED AUTHORITIES COULD NOT ENVISAGE REQUISITIONING THEM OTHER THAN IN VERY EXCEPTIONAL CIRCUMSTANCES WHEN THEY CONSIDERED IT NECESSARY FOR THE DISCHARGE OF THEIR RESPONSIBILITIES FOR BERLIN. AS REGARDS AIRCRAFT WHICH COME UNDER THEIR DIRECT AUTHORITY, THE ALLIED AUTHORITIES COULD NOT ACCEPT THAT THEY MIGHT BE USED WITHOUT A DETAILED EXAMINATION IN ADVANCE OF THE MISSIONS TO WHICH THEY WOULD BE ASSIGNED.

C. IT IS FOR THE COMPETENT GERMAN AUTHORITIES TO DEFINE THE CONDITIONS UNDER WHICH, AND THE MEANS BY WHICH, THEY EXERCISE THEIR COMPETENCES. IN PARTICULAR IT IS THE RESPONSIBILITY OF THESE AUTHORITIES TO ENSURE, AS THEY HAVE DONE FOR MANY YEARS, THE TRANSPORTATION OF CRIMINALS OUT OF BERLIN. IN THIS CONNECTION THE COMPETENT BERLIN AUTHORITIES SHOULD SEEK TO AVOID AS FAR AS POSSIBLE SITUATIONS SUCH AS THAT WHICH AROSE ON DEC 1 IN WHICH IT BECOMES NECESSARY TO TRANSPORT OUT OF BERLIN PRISONERS WHO POSE PARTICULARLY DIFFICULT PROBLEMS.

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ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-05 IO-10 NIC-01 CIAE-00 DODE-00

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FM AMEMBASSY BONN

TO USMISSION USBERLIN

INFO SECSTATE WASHDC 6945

AMEMBASSY LONDON

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 19590

D. THE ALLIED AUTHORITIES HAVE RESERVED FOR
THEMSELVES THE RIGHT TO TAKE ALL MEASURES WHICH
THEY CONSIDER NECESSARY TO SAFEGUARD, INTER ALIA,
PUBLIC ORDER IN BERLIN. THE SENAT HAS THE POSSI-
BILITY OF CALLING THE ATTENTION OF THE ALLIED
KOMMANDATURA TO EVENTS WHICH MIGHT DISTURB PUBLIC
ORDER. IN SUCH A CASE THE SENAT SHOULD INFORM THE
MISSION HOLDING THE CHAIRMANSHIP AS RAPIDLY AS
POSSIBLE. IN A CASE WHERE THE ALLIED AUTHORITIES
ARE SATISFIED THAT THE EXERCISE OF THEIR RESPONSI-
BILITIES FOR BERLIN, PARTICULARLY THOSE CONCERNING
PUBLIC ORDER, REQUIRE DIRECT INTERVENTION BY THEM,
THEY WILL TAKE ANY MEASURES WHICH THEY CONSIDER TO
BE NECESSARY. END TEXT.

3. LANGUAGE IN LAST SENTENCE PARA C "SUCH AS THAT WHICH
Arose ON DECEMBER 1" WAS ADDED AFTER UK TRANSMITTED TEXT
TO UKBER AND LONDON, BUT UK HERE HAS AGREED TO ITS
INCLUSION. REGARDING QUOTATION MARKS PARAS B AND D,
TEXT IS MEANT AS ORAL REPLY BUT MARKS HAVE BEEN LEFT IN
DRAFT TO SHOW THE PASSAGES DIRECTLY QUOTED FROM SENAT
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REQUEST.

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Message Attributes

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